

AMENDED IN ASSEMBLY JANUARY 6, 2014

AMENDED IN ASSEMBLY MAY 1, 2013

AMENDED IN ASSEMBLY APRIL 8, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 468**

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**Introduced by Assembly Member Chesbro**  
**(Principal coauthors: Assembly Members Alejo, Levine, and Stone)**  
**(Coauthor: Assembly Member Atkins)**

February 19, 2013

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An act to ~~add Section 16031 to the Insurance Code, and to repeal Chapter 1.5 (commencing with Section 4210) of Part 2 of Division 4 of the Public Resources Code, relating to insurance, and declaring the urgency thereof, to take effect immediately. amend Sections 4593.2, 4593.3, 4593.8, 4593.9, 4593.11, 4594, and 4594.7 of the Public Resources Code, relating to forest resources.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 468, as amended, Chesbro. ~~Insurance: Disaster Management, Preparedness, and Assistance Surcharge. Nonindustrial timber management plans: forest landowners.~~

*Existing law prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection. The Forest Practice Act of 1973 provides that the Director of Forestry and Fire Protection has the final authority to determine whether a timber harvesting plan conforms with rules and regulations pertaining to timber harvesting. Existing law authorizes a person who intends to become a nonindustrial tree farmer to file a nonindustrial*

*timber management plan with the department, and prescribes procedures for the preparation, filing, and approval of those plans. Existing law, for purposes of provisions governing nonindustrial timber management plans, defines a “nonindustrial tree farmer” to mean an owner of timberland with less than 2,500 acres who has an approved nonindustrial management plan and is not primarily engaged in the manufacture of forest products.*

*This bill would replace references in the Forest Practice Act of 1973 to a “nonindustrial tree farmer” with the term “nonindustrial forest owner.”*

~~Existing law required, by September 1, 2011, the State Board of Forestry and Fire Protection to adopt emergency regulations to establish a fire prevention fee of not more than \$150 for the necessary fire prevention activities of the state that benefit the owners of structures within a state responsibility area.~~

~~This bill would repeal the fire prevention fee. The bill would create the Disaster Management, Preparedness, and Assistance Fund in the State Treasury. The bill would require insureds to pay a special purpose surcharge, the Disaster Management, Preparedness, and Assistance Surcharge, on each commercial and residential fire and multiperil insurance policy issued or renewed on or after January 1, 2014, equivalent to 4.8% of the premium written on residential fire and multiperil insurance or the property exposure for commercial policies in California. Moneys from this surcharge would be deposited in the fund and be appropriated by the Legislature for the purposes of funding emergency activities of the Office of Emergency Services, the Department of Forestry and Fire Protection, and the Military Department, as well as local governments for disaster planning and response. The bill would also require every admitted insurance company in the state to collect the surcharge and separately identify the surcharge on each affected insurance policy.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote:  $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 4593.2 of the Public Resources Code is  
2     amended to read:

1 4593.2. Notwithstanding Section 4521, unless the context  
2 otherwise requires, the following definitions govern construction  
3 of this article:

4 (a) “Nonindustrial timberlands” means timberland owned by a  
5 nonindustrial ~~tree farmer~~ *forest landowner*.

6 (b) “Nonindustrial ~~tree farmer~~” *forest landowner*” means an  
7 owner of timberland with less than 2,500 acres who has an  
8 approved nonindustrial management plan and is not primarily  
9 engaged in the manufacture of forest products.

10 (c) “Uneven aged management” means the management of a  
11 specific forest, with the goal of establishing a well stocked stand  
12 of various age classes and ~~which~~ *that* permits the periodic harvest  
13 of individual or small groups of trees to realize the yield and  
14 continually establish a new crop.

15 (d) “Sustained yield” means the yield of commercial wood that  
16 an area of commercial timberland can produce continuously at a  
17 given intensity of management consistent with required  
18 environmental protection and ~~which~~ *that* is professionally planned  
19 to achieve over time a balance between growth and removal.

20 (e) “Nonindustrial timber management plan” means a  
21 management plan for nonindustrial timberlands with an objective  
22 of an uneven aged managed timber stand and sustained yield for  
23 each parcel or group of contiguous parcels meeting the  
24 requirements of Section 4593.3.

25 (f) “Nonindustrial timber harvest notice” means notice of timber  
26 harvest operations pursuant to an approved nonindustrial timber  
27 management plan and meeting the requirements of Section 4594.

28 *SEC. 2. Section 4593.3 of the Public Resources Code is*  
29 *amended to read:*

30 4593.3. A nonindustrial timber management plan may be filed  
31 with the department in writing by a person who intends to become  
32 a nonindustrial ~~tree farmer~~ *forest landowner* with the long-term  
33 objective of an uneven aged timber stand and sustained yield  
34 through the implementation of a nonindustrial timber management  
35 plan. The management plan shall be prepared by a registered  
36 professional forester. It shall be a public record and shall include  
37 all of the following information:

38 (a) The name and address of the timberland owner.

39 (b) A description of the land on which the plan is proposed to  
40 be implemented, including a United States Geological Survey

1 quadrangle map or equivalent indicating the location of all streams,  
2 the location of all proposed and existing logging truck roads, and  
3 indicating boundaries of all site I classification timberlands to be  
4 stocked in accordance with subdivision (b) of Section 4561 and  
5 any other site classifications if the board establishes specific  
6 minimum stocking standards for other site classifications.

7 (c) A description of the silviculture methods to be applied and  
8 the type of yarding equipment to be used.

9 (d) An outline of the methods to be used to avoid excessive  
10 accelerated erosion from timber operations to be conducted within  
11 the proximity of a stream.

12 (e) Special provisions, if any, to protect any unique area within  
13 the boundaries of the proposed nonindustrial timber management  
14 plan.

15 (f) A description of the existing stand, its current projected  
16 growth, alterations required to achieve the management objectives,  
17 the projected timber volumes and tree sizes to be available for  
18 harvest, and projected frequencies of harvest.

19 (g) A certification by the registered professional forester  
20 preparing the plan that he or she or a designee has personally  
21 inspected the plan area.

22 (h) Any other information the board provides by regulation to  
23 meet its rules and the standards of this chapter.

24 (i) ~~This section shall become operative on January 1, 1996.~~

25 *SEC. 3. Section 4593.8 of the Public Resources Code is*  
26 *amended to read:*

27 4593.8. The nonindustrial-~~tree farmer~~ *forest landowner* may  
28 submit a proposed amendment to the approved plan and may not  
29 take any action-~~which~~ *that* substantially deviates, as defined by  
30 the board, from the approved plan until the amendment has been  
31 filed with the director and the director has determined that the  
32 amendment is in compliance with the rules and regulations of the  
33 board and the provisions of this chapter-~~which~~ *that* were in effect  
34 at the time the nonindustrial timber management plan was  
35 approved, in accordance with the same procedures specified in  
36 Section 4593.7.

37 *SEC. 4. Section 4593.9 of the Public Resources Code is*  
38 *amended to read:*

39 4593.9. The nonindustrial-~~tree farmer~~ *forest landowner* may  
40 take actions-~~which~~ *that* do not substantially deviate from the

1 approved plan without the submittal of an amendment, but those  
2 actions shall be subsequently reported to the department. The board  
3 shall specify, by regulation, those nonsubstantial deviations ~~which~~  
4 *that* may be taken. The board shall specify the requirements for  
5 reporting those deviations.

6 *SEC. 5. Section 4593.11 of the Public Resources Code is*  
7 *amended to read:*

8 4593.11. The nonindustrial ~~tree farmer~~ *forest landowner* may  
9 cancel the nonindustrial timber management plan by submitting a  
10 written notice to the department. Once timber operations have  
11 commenced pursuant to a nonindustrial timber harvest notice,  
12 cancellation is not effective on land covered by the notice until a  
13 report of satisfactory completion has been issued pursuant to  
14 Sections 4585, 4586, and 4587.

15 *SEC. 6. Section 4594 of the Public Resources Code is amended*  
16 *to read:*

17 4594. The nonindustrial ~~tree farmer~~ *forest landowner* who  
18 owns, leases, or otherwise controls or operates on all or any portion  
19 of any timberland within the boundaries of an approved  
20 nonindustrial timber management plan, and who plans to harvest  
21 any of the timber thereon during a given year, shall file a  
22 nonindustrial timber harvest notice with the department in writing.  
23 A notice shall be filed prior to the harvesting of any timber and  
24 shall be effective for a maximum of one year from the date of  
25 filing. If the person who files the notice is not the owner of the  
26 timberland, the person filing the notice shall notify the timberland  
27 owner by certified mail that the notice has been submitted, and  
28 shall certify that mailing to the department. The notice shall be a  
29 public record and shall include all of the following information:

- 30 (a) The name and address of the timber owner.  
31 (b) The name and address of the timber operator.  
32 (c) The name and address of the registered professional forester  
33 preparing the nonindustrial timber harvest notice.  
34 (d) A description of the land on which the work is proposed to  
35 be done.  
36 (e) A statement that no archeological sites have been discovered  
37 in the harvest area since the approval of the nonindustrial timber  
38 management plan.

1 (f) A statement that no rare, threatened, or endangered plant or  
2 animal species has been discovered in the harvest area since the  
3 approval of the nonindustrial timber management plan.

4 (g) A statement that there have been no physical environmental  
5 changes in the harvest area that are so significant as to require any  
6 amendment of the nonindustrial timber management plan.

7 (h) A certification by the registered professional forester that  
8 the notice as carried out will implement best management practices  
9 for protection of the beneficial uses of water, soil stability, forest  
10 productivity, and wildlife as required by the current rules of the  
11 board, or a certification that practices consistent with the original  
12 plan will not result in any significant degradation to the beneficial  
13 uses of water, soil stability, forest productivity, or wildlife.

14 (i) Special provisions, if any, to protect any unique area within  
15 the area of timber operations.

16 (j) The expected dates of commencement and completion of  
17 timber operations during the year.

18 (k) A statement that the harvesting notice conforms to the  
19 provisions of the approved management plan.

20 (l) Any other information the board provides by regulation to  
21 meet its rules and the standards of this chapter.

22 ~~(m) This section shall become operative on January 1, 1996.~~

23 *SEC. 7. Section 4594.7 of the Public Resources Code is*  
24 *amended to read:*

25 4594.7. If it is determined that the objectives of uneven aged  
26 management and sustained yield are not being met by a  
27 nonindustrial-~~tree farmer~~ *forest landowner*, or there are other  
28 persistent violations detected that are not being corrected, a  
29 previously approved nonindustrial timber management plan shall  
30 be canceled by the department and any further timber operations  
31 under the plan shall be terminated.

32 ~~SECTION 1. Section 16031 is added to the Insurance Code,~~  
33 ~~to read:~~

34 ~~16031. (a) The Disaster Management, Preparedness, and~~  
35 ~~Assistance Fund is hereby created in the State Treasury. Funds~~  
36 ~~received by the Office of Emergency Services pursuant to this~~  
37 ~~section shall be deposited into this fund. Funds deposited into this~~  
38 ~~fund shall be appropriated by the Legislature for the purposes of~~  
39 ~~funding emergency activities of the Office of Emergency Services,~~  
40 ~~the Department of Forestry and Fire Protection, and the Military~~

1 Department, as well as to local governments for disaster planning  
2 and response.

3 ~~(b) Insureds shall pay a special purpose surcharge on each~~  
4 ~~commercial and residential fire and multiperil insurance policy~~  
5 ~~issued or renewed on or after January 1, 2014, equivalent to 4.8~~  
6 ~~percent of the premium written on residential fire and multiperil~~  
7 ~~insurance or the property exposure for commercial policies in~~  
8 ~~California. The Disaster Management, Preparedness, and~~  
9 ~~Assistance Surcharge shall only be applied to new business and~~  
10 ~~renewal transactions. No adjustment shall be made for midterm~~  
11 ~~increases or decreases in exposure or coverage. The amount of the~~  
12 ~~surcharge shall be calculated to the nearest dollar. Notwithstanding~~  
13 ~~any other law, failure to collect the surcharge from insureds prior~~  
14 ~~to January 1, 2015, shall not result in a penalty, fine, or other~~  
15 ~~liability.~~

16 ~~(c) Every admitted insurer in this state shall collect the surcharge~~  
17 ~~fee specified in subdivision (b), which shall be separately identified~~  
18 ~~on each policy, with respect to residential fire and multiperil~~  
19 ~~insurance and the property portion of commercial policies.~~

20 ~~(d) Funds received as a result of the surcharge imposed on~~  
21 ~~insureds as a percentage of premiums written on residential fire~~  
22 ~~and multiperil insurance and property exposure for commercial~~  
23 ~~insurance policies shall be remitted by the admitted insurers to the~~  
24 ~~Office of Emergency Services, or other state agency designated~~  
25 ~~to collect the surcharge on behalf of the Office of Emergency~~  
26 ~~Services, within 45 days following the end of each calendar quarter.~~

27 ~~SEC. 2. Chapter 1.5 (commencing with Section 4210) of Part~~  
28 ~~2 of Division 4 of the Public Resources Code is repealed.~~

29 ~~SEC. 3. This act is an urgency statute necessary for the~~  
30 ~~immediate preservation of the public peace, health, or safety within~~  
31 ~~the meaning of Article IV of the Constitution and shall go into~~  
32 ~~immediate effect. The facts constituting the necessity are:~~

33 ~~In order to make necessary statutory changes to improve the~~  
34 ~~state's ability to respond to potentially devastating and deadly~~  
35 ~~emergencies at the earliest time possible, it is necessary that this~~  
36 ~~act take effect immediately.~~